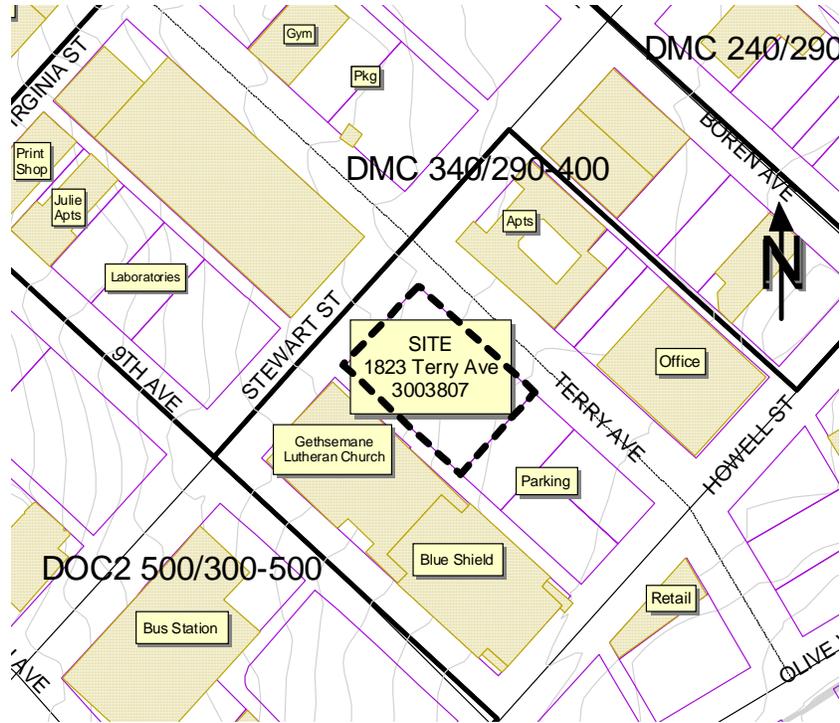


BACKGROUND DATA

The 20,760 square foot corner site is located on Terry Avenue and Stewart Street. A surface parking lot for Gethsemane Lutheran Church currently occupies the site.

The site is located in the Denny Triangle area north of downtown in a pedestrian-oriented area with frequent transit service.

The subject property is located on Terry Ave, a designated green street per the Seattle Land Use Code. Green streets should include a combination of design features that favor the pedestrian environment over the automobile environment.



The proposed development would be placed over the quarter-block sized development parcel, which is located in an area that has recently experienced rezoning. The applicant has vested to the previous zoning of Downtown Office Core with a 300-foot height limit (DOC2-300).

The site slopes slightly to the west. Surrounding development consists of mixed styles of newer mixed-use residential buildings, office buildings, older apartment buildings, a church, the nearby Greyhound Bus Station, commercial structures of varying ages, and surface parking lots. Architecture of adjacent buildings varies based on age. Several projects either under construction or in the permitting process are located within a few blocks of the project. The area is experiencing a high level of development and the current streetscape reflects a wide variety of architectural styles and finishes.

PROJECT DESCRIPTION

The proposal includes the construction of a 37 story mixed-use residential and retail building with five floors of structured above grade parking and two levels of underground parking. The proposed project consists of an approximately 375-foot tall tower including a garage podium. The proposed tower would be placed on the north side of the site to continue the street wall on Stewart St and provide open space and views to the west over the lower height of Gethsemane Lutheran Church.

The proposed development is vested to the DOC2-300 code in effect at the time of Early Design Guidance application, which was prior to the September 2006 downtown codes update. Under that version of the code, the applicant chose to use the Transfer of Development Credits (TDC) Program to seek a height increase of 75 feet beyond the base height of 300' (375' total).

The proposal includes 326 residential units, 6,038 square feet of retail area at the street level, and 356 parking stalls accessed from the alley.

PUBLIC COMMENTS

Public notice of the proposal was issued on May 11th, 2006, October 2nd, 2006, January 11th, 2007, and March 8th, 2007. 43 public comments were offered during the review period, either in writing or at the design review meetings.

I. DESIGN REVIEW

DESIGN GUIDELINE PRIORITIES: **EARLY DESIGN GUIDANCE MEETING - May 23, 2006**

At the Early Design Guidance meeting held on May 23, 2006 and after visiting the site, considering the analysis of the site and context provided by the proponents, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's "Design Review: Guidelines for Downtown Development" of highest priority to this project:

- A-1 Respond to the physical environment.
- A-2 Enhance the skyline.
- B-1 Respond to the neighborhood context.
- B-3 Reinforce the positive urban form & architectural attributes of the immediate area.
- B-4 Design a well-proportioned & unified building.
- C-1 Promote pedestrian interaction.
- C-3 Provide active—not blank— facades.
- C-4 Reinforce building entries.
- C- 5 Encourage overhead weather protection.
- C-6 Develop the alley façade.
- D- 1 Provide inviting & usable open space.
- D- 2 Enhance the building with landscaping.
- D- 3 Provide elements that define the place.
- E-2 Integrate parking facilities.
- E-3 Minimize the presence of service areas.

The proposed Master Use Permit was submitted 64 days after the last required EDG meeting. The proposed development is therefore vested to the DOC2-300 code requirements in effect the time of EDG submittal (April 12, 2006).

DESIGN REVIEW BOARD RECOMMENDATIONS SUMMARY - JANUARY 23, 2007

On July 26, 2006, the applicant submitted a Master Use Permit application at the subject property. On January 23, 2007, the Downtown Design Review Board convened for a Recommendation meeting. Additional packets and display boards including perspective sketches, modified design departure requests, site plans, sections, pedestrian environment details, elevations, materials and colors, floor plans, and landscape plans, which were presented for the Board members' consideration.

The Board recommendations, summarized from the January 23, 2007 Recommendation Meeting Report, included the following:

1. Parking garage.
 - Provide detailed elevation drawings of the first 60 feet of the parking garage both with and without vegetation.
 - Provide detailed plans, elevations, and sections of proposed screening methods.
 - Provide graphic indications (such as pictures of similar existing treatments) of how the screening will interact with headlights in the garage as viewed from street level and across the street.

2. Facades.
 - Improve graphic communication of proposal:
 - Provide detailed elevations and drawings from a pedestrian perspective for the first 60 feet of building height, both with and without vegetation. Indicate location, type, and appearance of proposed façade materials (improved graphic communication).
 - Provide elevations and three dimensional drawings indicating details and materials for the retail areas. Include anticipated signage sizes and locations.
 - Provide a plan and three dimensional drawings of the street level at the corner of Stewart St and Terry Ave. Include dimensions and details for the building transition of tower to retail level, the curb bulb, the treatment of the parking façade, the storefronts, and the pedestrian environment.
 - Indicate the location and proposed screening for any service areas.
 - All drawings should include the context of adjacent buildings.

 - Revise the façade to meet design guidelines:
 - Increase the visual prominence of the Stewart St façade with increased details, increased layering of materials, balconies, and/or other methods.
 - Alternatively treat the south area of the alley façade to reduce the horizontality of the open concrete ramps.
 - Further develop texture and treatment of the south façade, especially the concrete tower element.

3. Pedestrian Environment.
 - Provide plans, sections and elevations showing the overhead weather protection in relation to pedestrian areas.
 - Provide a landscape plan of the entry plaza, demonstrating special paving, seating areas, landscaping, and dimensions.
 - Provide pedestrian perspectives of the entry plaza area.

4. Roof.
 - Provide detailed plans, elevations, and three dimensional drawings to demonstrate the proposed roof elements; make roof element substantial and architecturally consistent with the building.
 - Drawings should include the context of nearby buildings.

DESIGN PRESENTATION MARCH 27, 2007

Shelley Bolser, Land Use Planner and Lyle Bicknell, Senior Urban Design Planner explained the development of changes to the proposed structure and green street since the January 11, 2007 design recommendation meeting.

Wendy Pautz of LMN Architects gave the applicant presentation. Ms. Pautz provided context of the design process to this point and explained changes to the design as a result of consideration of the Board direction and meetings with the Department of Planning and Development (DPD). Changes included the following:

- Additional graphics of first 60' of building height with and without vegetation, including pedestrian environment and building entry.
- Create a more substantial rooftop element with uplighting.
- Addition of proposed balconies (Juliet balconies at lower three floors and deep inset balconies at upper three floors).
- Operable windows on all four sides of the building.
- Variety of materials, including:
 - Three types of perforated metal panels on all facades.
 - Deeply scored concrete face at south shear wall.
- Increased layering of façade at the north (Stewart St.) façade.
- Clear graphics of the pedestrian environment at Stewart St.
- Changes to the entry plaza at Terry Ave:
 - Special paving in warm colored stone and charcoal gray concrete paving edge with accent strip.
 - Signage at the curb.
 - Grouped trees to create edges, with lower plants between and increased transparency from across the street.
 - 6 granite benches for seating.
- Additional façade treatment at alley, including various types of metal screening.
- Alley façade services screened with metal doors.
- Replacement of proposed leasing office at Terry Ave with retail space.

BOARD QUESTIONS AND COMMENTS

The Board had the following questions and clarifying comments, with responses from the applicant:

- Is the seating in the plaza a new proposal?
 - No, it was in the original proposal but not as detailed.
- Who would be responsible for maintaining the entry plaza in the public right of way?
 - Building management.
- What would be visible to pedestrians at the street level at the corner of Stewart St and the alley?
 - The parking garage pedestrian entry for church patrons.
 - a small lobby area behind a glass storefront that wraps the corner to the alley façade.

- pedestrians would see handrails attached to stairs leading below ground to church patron parking area.
- Perforated metal panel Type C appears to be proposed for use in large areas on the Stewart St and alley facades. The holes in Type C appear to be quite large, allowing for high visibility into the parking garage.
 - Type C is intended to provide graphic interest and a legible pattern from street level or across the street.
 - Type B includes a medium amount of space and a structure for vegetative growth on Terry Ave, as well as defining the bay of balconies above on Stewart St.
 - Type C is used on Stewart St to contrast with the balcony bays.
 - Parking garage ramps are located behind the Type C panels on Stewart St, so headlights would not shine directly through the panels to the street.
 - The proposed alley elevation consists of Types B and C in alternating bays, with Type B on the southern concrete parking garage levels.
- What is visible behind the panels?
 - There is an opaque headlight screen as shown on page 27 of the packet, with visibility into the parking garage beyond the panel.
 - Five foot wide breaks appear to be proposed on either side of the entry canopy. This may not be allowed under the land use code.
 - The project is vested to downtown codes older than the current version.
- What is the material at the base of the columns on Terry Ave?
 - Perforated metal panel Type A with concrete columns behind the panel. This continues up to the level of the planter boxes extending from the façade.
- How much separation would be between the column and the panel?
 - 4”
- The packet is difficult to interpret, since many of the vertical dimensions are missing or scaled incorrectly.
- The height of the corner element at Terry Ave and Stewart St still appears to be heavily weighing on the column, giving the appearance that the building is “pushed down” from above. How has the proposed corner changed since the previous recommendation meeting?
 - The retail canopies have been raised and the entry canopy has been lowered.
- Would headlights be visible through the translucent glass at the corner?
 - There is 26” of spandrel glass above the canopy at the corner. Translucent glass starts above that point, and headlights would be visible through the translucent glass only.
- The plan sheet for the upper floors appears to be incorrect, since it shows very small balcony areas.
 - The plan sheet is a typo; the balconies would be deeply inset at the upper three floors.
- How has the proposed rooftop element changed from the previous proposal?
 - The metal panel at the south edge and top has been increased to twice the thickness of the original proposal and a 3’ parapet wall has been included.

PUBLIC COMMENT

Eleven members of the public attended the Design Recommendation meeting. The following comments were offered:

- The transition from the podium to garage level appears too abrupt at the Stewart and Terry elevations.
- The Stewart St elevation includes a large area of metal screening; this should be better integrated to the rest of the façade materials.
- The metal screening might be too transparent to cars behind; if the applicant layered the screening types, it might help: headlights shouldn't shine through to existing and future residents/tenants across the street from the project.
- The green façade is a positive aspect and should be continued on the Stewart and alley facades.
- Like the appearance of the canopy breaks on either side of the pedestrian entrance at Terry Ave.
- The corner of Stewart and Terry is recessed and could be very dark; it should at least be enhanced with lighting.
- The residential entry seems squashed; more volume and void space is needed.
- The corner of Stewart and Terry also looks squashed.
- The corner of the building is recessed, but the rest of the building meets the pavement. The charcoal paving border around the building should also follow this pattern.
- The corner is inert.
- There should be more complex layering of materials over all facades.
- The church garage pedestrian entry at the corner of Stewart St and the alley should include the door at the northwest corner and the stair access further east in order to activate the corner.
- The alley elevation should include glass weaved down through the façade to the base of the building.
- Concern for what the pedestrians view from the sidewalk on Stewart St (alley façade and Stewart St façade).
- Redeemer Lutheran Church will most likely change over the coming years and has the potential to mesh well with the proposal.
- Redeemer Lutheran Church sold the air rights above 90' elevation, but could develop up to that height.
- The proposal is a quality development and will look good to both neighbors and pedestrian passerby.

BOARD RECOMMENDATIONS

After considering the proposed design and the project context, hearing public comment and reconsidering the previously stated design priorities, the Design Review Board members came to the following conclusions on how the proposed design met the identified design objectives.

Site Planning and Massing – Responding to the larger context

- A-1 Respond to the physical environment. Develop an architectural concept and compose the building’s massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.**

The applicant provided graphics clearly demonstrating the first 60’ height of the façade with and without vegetation. Three types of metal perforated panels would be employed on the parking garage levels, as well as translucent and spandrel glass, and vegetation on Terry Ave. The Board noted concerns with visibility through perforated panel Type C. As a result, perforated panel Type C should only be incorporated using layers with Type B mounted behind, as conditioned below.

Further discussion of materials for the alley façade is found in C-6.

- A-2 Enhance the skyline. Design the upper portion of the building to promote visual interest and variety in the downtown skyline.**

The applicant has proposed to substantially increase the appearance of the rooftop element, which is beneficial. However, the comments from the first recommendation meeting were intended to guide the applicant to provide an alternate expression for the upper floors of the tower. The floor plans differ in the top two stories and the glazing and framing on the building exterior should reflect the different floor plans. The applicant should continue to work with DPD staff to ensure that the upper portion of the tower meets this design guideline, as conditioned below.

B. Architectural Expression – Relating to the Neighborhood Context

- B-1 Respond to the neighborhood context. Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.**
- B-3 Reinforce the positive urban form & architectural attributes of the immediate area. Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.**

Comments reflect those found in A-1 and A-2.

- B-4 Design a well-proportioned & unified building. Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.**

The residential entry on Terry, the building corner of Terry Ave and Stewart St, and the building corner at Stewart St and the alley require additional attention to scale and improved transition to the tower element.

The building is composed of four primary pieces: the pedestrian environment at the lower level, the parking garage levels, the residential tower, and the top. It is also divided into the northern vertical tower piece and the southern podium piece. These pieces should be visually cohesive and proportional to each other, as conditioned below. The pedestrian level of the building appears compressed by the tower and parking garage, due to the recessed corner at Stewart St and Terry Ave, the lowered canopy over the residential entry, and the horizontal emphasis at the sidewalk level on all sides. The building corner at Stewart St and the alley also requires additional attention. The Board noted that the pedestrian level of the building should demonstrate better proportion to the rest of the structure by increasing the visual height of the corner of Stewart St and Terry Ave and increasing the visual space on the façade at the pedestrian entrance (Terry Ave). The building corners should visually anchor the structure and not appear crushed under the weight of the tower or parking garage.

Possible techniques to improve the proportion of pedestrian environment and corner elements include:

- Change in glazing patterns and mullions.
- Two story framing of the pedestrian entry and corner of Stewart St and Terry Ave.
- Weaving of materials to wrap the corner between Stewart St and the alley.
- Weaving of materials to better integrate the garage and tower elements.
- Exchange the stairs and the entry door in the Church parking lobby at the corner of Stewart St and the alley to better activate the northwest corner of the building.
- Lighting at recessed areas.
- Opaque glass at the parking levels above the pedestrian entry and Stewart St and Terry Ave corner.
- Raised overhead weather protection at pedestrian entry and northeast corner.
- Include planters on the north end of the Terry Ave façade to reference the green street development on the southern portion of the Terry Ave façade and enhance the corner element.
- Use manipulation of façade materials and modulation to improve appearance of the Stewart St and Terry Ave corner.
- Other sculptural elements to enhance the corners and pedestrian entry.

The use of perforated metal should also be modified, as described in A-1 and C-4.

The upper tower also requires additional attention, as described in A-2.

C. The Streetscape – Creating the Pedestrian Environment

C-1 Promote pedestrian interaction. Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.

Comments reflect those found in B-4.

- C-3 Provide active—not blank— facades. Buildings should not have large blank walls facing the street, especially near sidewalks.**

The residential balconies on Stewart St are a nod to the residential nature of that façade. The balcony depths at the lower three stories should be increased to provide usable balcony spaces and provide visual modulation at that façade.

- C-4 Reinforce building entries. To promote pedestrian comfort, safety, and orientation, reinforces the building’s entry.**

Comments reflect those found in B-4 and C-5.

- C- 5 Encourage overhead weather protection. Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.**

The proposed design includes continuous overhead weather protection, with the exception of two 5-foot breaks on either side of the residential entry at Terry Ave. The Board discussed these breaks and agreed that they are acceptable in this case. The overhead weather protection at the residential entry and the corner of Stewart St and Terry Ave should be raised to increase the visual height and impact of these spaces, but should remain functional for pedestrians.

- C-6 Develop the alley facade. To increase pedestrian safety, comfort, and interest, develops portions of the alley façade in response to the unique conditions of the site or project.**

In addition to the comments found in A-1, the alley façade design should also demonstrate improved integration of materials between the upper tower and the lower garage façade. One technique includes cladding alternate parking garage bays in glass continuous from the tower above, within limit of Seattle Department of Transportation right of way restrictions. The pattern of glass and perforated metal should respond to the bay patterns above and on other facades.

The Board noted that these techniques specifically apply to only the northern half of the alley façade, below the tower. The techniques should not prevent the ability to naturally ventilate the parking structure.

D. Public Amenities – Enhancing the Streetscape and Open Space

- D- 1 Provide inviting & usable open space. Design public open spaces to promote a visually pleasing, safe, and active environment for workers, residents, and visitors. Views and solar access from the principal area of the open space should be especially emphasized.**

The Board noted that the proposal meets this guideline.

- D- 2 Enhance the building with landscaping. Enhance the building and site with substantial landscaping—which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.**

Terry Ave is proposed for green street development, including substantial amounts of landscaping at the sidewalk and on the building façade. Special paving would be located at the pedestrian entry and in a band around the building. Granite seating benches are proposed near the pedestrian entry. The Board noted that the proposal meets this guideline, subject to the conditions listed below.

- D- 3 Provide elements that define the place. Provide special elements on the facades, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable “sense of place” associated with the building.**

The proposed development includes special paving, landscaped seating areas, interesting signage, and landscaped facades. The Board noted that the proposal meets this guideline.

E. Vehicular Access and Parking – Minimizing the Adverse Impacts

- E-2 Integrate parking facilities. Minimize the visual impact of parking by integrating parking facilities with surrounding development. Incorporate architectural treatments or suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.**

Comments reflect those found in B-4 and C-6.

- E-3 Minimize the presence of service areas. Locate service areas for trash dumpsters, loading docks, mechanical equipment, and the like away from the street front where possible. Screen from view those elements which for programmatic reasons cannot be located away from the street front.**

The applicant explained that service areas are all located behind the alley façade and would be fully screened with metal roll-up doors. The Board noted that the proposal meets this guideline.

RECOMMENDATION AND CONDITIONS

The recommendations summarized below were based on the design review packet date stamped March 20, 2007. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and initial recommendation conditions, and reviewing the plans and renderings, the four Design Review Board members recommended APPROVAL of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below). The Board recommends the following CONDITIONS (Authority referred in the letter and number in parenthesis):

DEVELOPMENT STANDARD DEPARTURES
Departure Summary Table

STANDARD	REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Structure Height – Rooftop Features SMC 23.49.008.C Rooftop coverage.	25% rooftop coverage allowed for screened mechanical equipment; 35% allowed with design review.	35% rooftop coverage for screened mechanical equipment, stair, and elevator penthouse.	The small floor plate of this tower translates to a need for increased percentage of rooftop coverage.	Recommended approval, subject to the conditions listed above.
Street Façade Requirements – Screening of Parking SMC 23.49.076.E Perimeter screening for above grade parking areas.	Opaque screening at least 3.5' high on each parking level.	Two proposed methods: 1. Opaque screening mounted between 1.5' and 3.'5 (screen is 2' high) 2. Semi-opaque screening at least 3.5' high.	The applicant offers that a mix of materials mounted at different areas of the façade would reduce the horizontal appearance of the parking garage levels.	Recommended approval, subject to conditions listed above.

The proposed design and Development Standard Departures are **CONDITIONALLY GRANTED**, subject to the conditions listed below.

II. SEPA

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (original checklist dated July 25, 2006, revised checklist dated June 11, 2007), and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during grading and construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance will provide sufficient mitigation for most impacts. The other impacts not noted here as mitigated by codes or conditions (e.g., increased traffic and parking demand from construction personnel) are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

The subject property is vacant, and there are no buildings that will require demolition with this proposal. The proposed development will require excavation of the existing asphalt parking lot on site. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and may require permits during demolition. The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust; and truck loads and routes will be monitored to minimize dust-related impacts.

Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.

Using electrically operated small tools in place of gas powered small tools wherever feasible.

Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.

The applicant is required to obtain permits from PSCAA to ensure proper handling and disposal of any applicable materials. The permit standards and regulations administered by PSCAA will sufficiently mitigate any adverse impacts to air quality; therefore no further mitigation is recommended pursuant to SEPA 25.05.675A.

Noise

Excavation will be required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the buildings could adversely affect the surrounding residential uses. Due to the proximity of nearby residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited, subject to the conditions listed below.

Traffic and Circulation

Site preparation would involve removal of the existing buildings and asphalt pavement and excavation for the foundation of the proposed building and below grade parking garage. Approximately 22,500 cubic yards of material would be excavated and removed from the site. Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to both Highway 99 and Interstate 5 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) includes a construction impact management plan and is expected to mitigate adverse impacts to traffic which would be generated during construction of this proposal. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT and DPD to ensure minimal disruptions. The subject property is located on Stewart St, which serves as a main pedestrian route. Any sidewalk closures shall require approval of SDOT and the Land Use Planner, as conditioned below.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies, except as noted below.

Height, Bulk and Scale

There will be increased height, bulk and scale on this site due to the proposed project. The proposed structures have gone through the Design Review process as noted above and have been conditioned accordingly. The proposed development is allowed in this zone and no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Historic

There are no known or listed historical resources or any officially-designated historical resources on the project site. There are no structures, historic or otherwise, located on the subject property. The nearest historic landmark is located approximately 350 feet to the west (El Rio Apartments at 1922 9th Avenue). The proposed development would not have any impact on any nearby historic structures, therefore no further conditioning is warranted by SEPA.

Parking

There will be increased parking demand created by the project. Parking for 355 vehicles will be provided in structured and below grade parking, accessed from the alley. The Institute of Transportation Engineers (ITE) Parking Manual indicates that the proposed mix of uses would generate peak demand for approximately 463 vehicle parking spaces (16 for retail and 447 for residential).

The site is located in a dense downtown urban area of the city and includes on-street parking, pay parking lots and extensive public transportation options (various bus services, as well as nearby South Lake Union trolley and Light Rail transit under construction). The ITE Parking Manual is based on suburban assumptions that often do not include nearby on-street parking, pedestrian-oriented environments, bicycle capabilities, or mass transportation. The proposed development retail uses would likely be frequented primarily by people living and working in the immediate vicinity, which reduces the anticipated demand for parking spaces. In addition, people coming to the site for retail uses have the option of walking, cycling, or using mass transportation, which further reduces the anticipated parking demand. For the remaining spillover parking demand of people driving to the site for these uses, there are on-street parking spaces and pay parking lots in the immediate vicinity of the site.

The difference between the parking demand shown in the ITE Parking Manual and the off-street parking provided on site would create a minimal impact, since people are able to walk or cycle to the site, use transit options to access the site, and park in on-street parking spaces if necessary.

Public Views

The subject property is located in a relatively flat area and does not contain any public viewpoints and is not adjacent to any SEPA Scenic Routes. The nearest SEPA Scenic Route is three blocks to the east, at Boren Avenue and Howell St.

The closest public viewpoint to the site is the Plymouth Pillars Park, across I-5 to the southeast. The view from this park includes the downtown skyline, and distant views of the Olympic Mountains and Lake Union. The proposed project would not impact views of the significant natural and human-made features listed above from either of these specified viewpoints. The proposal would appear as a continuation of the intensification of development in the Denny Triangle area from this viewpoint.

The City's Public Views policies also protect public views of historic landmarks designated by the Landmarks Preservation Board (SMC 25.05.665.P.2.b). The proposed project would not impact public views of any landmark, including the one in close proximity discussed in the *Historic* section, above.

Public views of the Space Needle from public places are protected by city policy (SMC 25.05.665.P.2.c). The closest protected public view of the Space Needle is from Volunteer Park (approximately 1.25 miles to the northeast). Public views of the Space Needle would not be impacted by the proposed project.

Traffic

The Environmental Checklist includes a Transportation Impact Analysis prepared by The Transpo Group. This report evaluates existing traffic conditions in the study area, estimates the total amount of new traffic to be generated by this project, and evaluates the impact of these new trips on the level-of-service of intersections in the study area. The Transpo Group Analysis includes projected impacts from 23 "pipeline" projects identified by DPD as development that will generate additional traffic volume in the vicinity of the project.

In project year 2009, the completed project will generate approximately 1,430 new daily vehicle trips to the surrounding street system, including 116 during the PM peak hour. The project will increase traffic volumes at some nearby intersections by up to 3.2% at the PM Peak Hour and cause no change in Level of Service (LOS) to any of the eight studied intersections. All studied intersections would continue to operate at LOS C or better.

Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The screen-line evaluated in the Heffron analysis would continue to operate below the concurrency threshold with construction of the project.

Transportation Mitigation

In July 2004, the Seattle Department of Transportation completed the South Lake Union Transportation Study with the help of consultants Parsons Brinckerhoff and EnviroIssues. The study recommended a package of transportation improvements for the South Lake Union area which has broad support from a diverse group of neighborhood, business and community

representatives. The improvements include a two-way Mercer Street, a narrower Valley Street, a streetcar, and a number of transits, pedestrian and bicycle measures. These improvements are intended to reconnect the South Lake Union area to the city, untangle streets that create barriers in the middle of the city, improve mobility, promote alternatives to single-occupant-vehicles, and continue a smooth flow of freight and people through the area.

As an alternative to mitigation measures that focus solely on minor improvements to nearby streets and intersections, DPD has determined that a more effective mitigation approach is for the applicant to contribute to the costs of the more comprehensive transportation improvements recommended in the South Lake Union Transportation Study. DPD has reviewed the projected transportation impacts of the project as detailed in the May 2007 Transpo Group Analysis and supplements dated June 11, 2007 and June 25, 2007, and concluded that the transportation improvements in the South Lake Union Transportation Study would adequately mitigate those impacts.

DPD has considered the share of the transportation improvement costs that should be borne by this project. A portion of the improvement costs is attributable to existing deficiencies and must be funded with resources other than private developer mitigation payments. This project should bear its fair share of the remaining costs, based on the expected trip generation. Based on DPD's analysis of costs and allocation to this project, a payment of \$10,823 is appropriate.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist and this analysis, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant. Conditions to mitigate significant impacts are listed below.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.

- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of a Master Use Permit

1. Final MUP plans shall indicate shielding at the rooftop light fixtures to prevent light spillage beyond the structure.

For the Life of the Project

2. Current and future property owners shall be responsible for maintaining all landscaping, including landscaped areas of the building façade and green street developments in the public right of way.
3. Materials, colors, and details shall be consistent with those presented at the design recommendation meeting and the Master Use Plan sets. Any change to materials or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

CONDITIONS – SEPA

Prior to Issuance of a Master Use Permit

4. The applicant shall provide a signed copy of the Transfer of Development Credits agreement with King County to the zoning reviewer (Ed Manlangit at (206) 684-5043 or Ed.Manlangit@Seattle.Gov).
5. All zoning corrections listed in the zoning correction letter issued June 18, 2007 shall be addressed to the satisfaction of the zoning reviewer. (Non-appealable condition)

Prior to Issuance of a Building Permit

6. The applicant shall execute the conditions of the Transfer of Development Credits agreement with King County, including payment of appropriate funds. Verification of payment shall be provided to the zoning reviewer (Ed Manlangit at (206) 684-5043 or Ed.Manlangit@Seattle.Gov).
7. The applicant shall submit for review and approval a Construction Impact Management Plan approved by the Seattle Department of Transportation in consultation with the Department of Planning and Development. The plan shall identify management of construction activities including hours of construction traffic, parking, truck routing and traffic, and issues concerning street and sidewalk closures.
8. Submit a copy of the PSCAA notice of construction.

9. Applicant shall pay a transportation mitigation fee of \$10,823 to DPD, to be apportioned among South Lake Union transportation projects as identified in the Transpo Group project revised spreadsheet of June 25, 2007.

During Construction

10. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

11. The sidewalk on Terry Ave and Stewart St shall continue to be accessible for pedestrians during construction, unless otherwise approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

Prior to Certificate of Occupancy

12. The applicant shall provide a landscape certificate from Director's Rule 12-93, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

Signature: _____ (signature on file)
Shelley Bolser, Land Use Planner
Department of Planning and Development

Date: July 2, 2007